Interracial News Service

A DIGEST OF TRENDS AND DEVELOPMENTS IN HUMAN RELATIONS

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DRIVE FOR EQUAL RIGHTS

The Importance of the Ballot

Any careful analysis of the struggle for social justice in America during the past century will leave little doubt as to the importance of the ballot.

While it is true that in Southern states which have large numbers of Negroes one finds legal and extra-legal machinations to deprive them of even the most fundamental human rights, it is equally true that in large urban centers of other regions with even greater concentrations of Negroes one does not find these schemes. Is it because less prejudice is in these areas? Perhaps this is part of the reason. But a more accurate explanation involves the ballot.

Why would a Senator from Illinois become a champion of civil rights while one from Mississippi would fight to the end the mildest sort of legislation designed to grant to all people what has been guaranteed in this country for a century? Or why would a Senator from Tennessee join in passing such legislation while his colleague in an adjoining state would use every dilatory tactic to prevent its passage? The answer seems to have to do with the fact that in Mississippi the number of non-whites registered in 1954 represented but 3.89 percent of the total population of voting-age non-whites, while in Tennessee about 28 percent of the non-whites are registered.

In each state special emphasis is being given to the importance of the ballot. Organizations such as the National Association for the Advancement of Colored People, the Southern Christian Leadership Conference, the American Friends Service Committee and numerous local groups are conducting voting clinics, voter registration drives, special mobilization and "get out the vote" days. Some of these take the form of briefing people on what to do and how to do it in order to register, acquainting them with the various diverting tactics used by hostile registrars, and helping them to understand and answer complicated questionnaires. Others are in areas where the only barrier to Negro voting is their own apathy, a universal plague where suffrage is concerned, and involves various techniques of getting people to register.

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"The Negro and the Ballot in the South"

"Resistance to desegregation, and the tensions resulting from this resistance, have focused national concern on access to the ballot by Negro Southerners. It was generally, and correctly, concluded that the future rate of progress in civil rights will depend heavily on Negroes achieving their proportionate influence at the polling places."

This statement in the foreword by Harold C. Fleming, Executive Director of the Southern Regional Council, could well provide both the opening and closing note for Margaret Price's book *The Negro and the Ballot in the South,* published by the Southern Regional Council, Atlanta, Georgia.

Miss Price, in weighing statistical and interpretative evidence, concludes that currently it cannot be said that either the proponents or opponents of equal suffrage (for the nation's 18 million non-white citizens) are winning, but the influence of basic national forces indicates that the long range prospect is for a steady, if slow, growth in Negro suffrage in the South.

This growth will also be due to improved educational and economic standing for the Negro which will feed his interest in voting and will furnish him with experienced leadership in his own community. Urbanization of the Negro will tend to concentrate his vote in the "more permissive" city polling places where the federal agencies have a better chance to encourage and protect him in his exercise of basic civil rights.

Against this growth, local custom and resistance to change will cause powerful cross currents creating dangerous passage, for if Washington legislation has been the fountainhead of the stream of growth there is equal truth in recognizing that "Main Street on-the-scene" forces are providing reactionary shoals which greatly influence the current at this time.

In 1958, 1,303,827 Southern Negroes were registered as compared with 595,000 in 1947 — but this represents only 25% of the eligible Negroes in the South as compared to 60% of the white.

Probably half of all Mississippi's 82 counties have less than 1% of the Negroes over 21 registered. Yet 30 Mississippi counties are over 50% Negro. This situation is all too typical of the old plantation country extending from southside Virginia to eastern Texas (often referred to as the Black Belt) which "through inequitable legislative apportionment," according to Miss Price, "dominates the politics of several states and heavily influences the politics of others."

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Varieties of Southern Registrars

Variations in discrimination range from obstacles placed by registrars before Negroes when they try to register to vote to the kind of violence occurring in Liberty County, Florida, where bombs were thrown and shots fired into the homes of the first 10 Negroes to be on the voting list in 1956. (For details see Time Magazine, July 29, 1957.) In 1958 no Negroes were registered in the county.

One prediction about the future of voting discrimination in Louisiana came from an announcement by William M. Rainach, chairman of the Joint Legislative Committee on Segregation and former head of the Association of Citizens Councils of Louisiana. When he resigned the latter office to run for governor, he announced that he intended to purge 100,000 of the state's approximately 130,000 Negro registrants from the rolls of qualified voters. Purges conducted in 12 parishes in Louisiana had in 1956-57 already achieved a drop of 10 to 11,000 voters, mostly Negroes, from the voting rolls.

A very different picture is given in Beaufort County, South Carolina, a coastal county, where schools are still segregated (as of April, 1960) and Southern racial customs prevail but, in general, county officials and political candidates are not racists and their attitude is generally friendly toward the Negro, with some white candidates seeking opportunities to speak before Negro groups during campaigns. Negroes in the community feel that the registrars are cooperative and the limited Negro registration is due to apathy and doubt of ability to pass the registration tests.

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Louisiana Voting Registration Case

In the case of the United States of America versus Diaz D. McElveen, E. Ray McElveen, Saxon Farmer and Eugene Farmer, Individually and as members of the Citizens Council of Washington Parish, Louisiana; Curtis M. Thomas, Registrar of Voters of Washington Parish, Louisiana, and the Citizens Council of Washington Parish, Louisiana; the United States District Court at New Orleans, January 11, 1960, rendered the following decision:

"In the spring of 1949 the Citizens Council, professing a purpose to purge the registration rolls of Washington Parish, Louisiana, of all persons illegally registered, succeeded in disenfranchising 85% of the Negro voters of the Parish and 0.07% of the white. The United States in this action charges that this profession of high purpose was a fraud designed to deny Negro citizens the right to vote. . . .

"Registration is a prerequisite under state law to voting in any election in the State of Louisiana, and may be either permanent or periodic. Washington Parish, Louisiana became a

permanent registration parish in May of 1958 and a registered voter of this parish is not required to re-register unless his name is cancelled from the registration rolls in accordance with law.

"Acting under the authority of the laws of Louisiana, . . . the Individual Defendants, commencing in February 1959 and ending in June 1959, filed in the office of the Defendant Registrar affidavits challenging the right of approximately 1,377 Negroes and approximately 10 white persons to remain on the registration rolls as qualified voters.

"Following and as a result of the challenges made by the Individual Defendants, the names of the persons challenged were removed from the registration rolls of Washington Parish. The number so removed was approximately 98% of the total that was removed from the rolls of Washington Parish during the period November 1, 1958 through July 1, 1959. . . .

"In examining the Washington Parish registration records for the purpose of filing the said Affidavits of Challenge, the Individual Defendants limited their examination almost exclusively to the registration records of Negro voters while making only a token examination of the registration records of white voters. The Individual Defendants made no examination of the registration records pertaining to those wards in which no Negroes were registered and they challenged no voters in those wards. . . .

"Based upon his knowledge that (a) the Individual Defendants virtually confined their examination of the registration records to those of Negro voters, (b) the challenges were directed almost entirely to Negroes and not white persons, and (c) the Individual Defendants filed Affidavits of Challenge involving defects and deficiencies which he knew also appeared in the records of white persons, against whom Affidavits of Challenge were not filed, the Defendant Registrar was well aware of the racially discriminatory character of the challenges of the Individual Defendants. . . .

"But for the acts and practices of the Individual Defendants in filing the Affidavits of Challenge as described and the action of the Defendant Registrar in giving effect to such challenges, the approximately 1,377 Negroes previously registered to vote and removed from the registration rolls would be presently registered to vote.

"Unless restored to the registration rolls of Washington Parish the approximately 1,377 Negroes previously registered to vote will be unable to vote in the General Election to be held April 19, 1960.

"CONCLUSIONS OF LAW"

"The challenges by the Individual Defendants, endorsed and supported by the Defendant Citizens Council of Washington Parish, of which they were and are members, although not patently discriminatory on the face of each, were actually massively discriminatory in purpose and effect, and as such unconstitutional. . . . The result of the challenges was to remove almost all of the Negro voters from the rolls and leave the white voters practically untouched, even though over 50% of the white registration cards have the same defects and deficiencies as did the challenged Negro cards. A court need not, and should not, shut its mind to what all others can see and understand. . . . Discriminatory application of a statute, even one unobjectionable on its face, is unconstitutional. . . .

"The action of the Defendant Registrar in giving effect to the mass challenges of the Individual Defendants achieved a discriminatory result in violation of his duties under the 15th Amendment. Whether or not he had the racially discriminatory purpose which motivated the action of the Individual Defendants and the Defendant Citizens Council is irrelevant as a matter of law. . . .

"The challenges, having been made in violation of the 15th Amendment and 42 U.S.C. 1971 (a), were and are themselves null, void and ineffective for any purpose, and the voters taken off the registration rolls as a result of these challenges were accordingly removed. . . . It is of no bearing that some or all of the defects and deficiencies set out as basis for the challenges may in fact exist, and if nondiscriminatorily cited, could constitute legal grounds for removal of voters from the rolls. . . . This is not a matter of a failure or inability to show a common injury. . . . Here the common injury, which is the fatal defect of each challenge, is a shared discrimination in the application of the law. . . .

"Plaintiff, the United States of America, has an interest and obligation broader than that of any other individual litigant, which should be taken into account in giving effect to the broad remedial purposes of the Civil Rights Act of 1957. This is not a case as between private parties and should not be so construed. . . . Courts of equity may, and frequently do, go much further both to give and to withhold relief in furtherance of the public interest than they are accustomed to go where only private interests are concerned. . . .

"The principle of the exhaustion of administrative remedies has no application to this case, since the qualifications of the persons challenged are not here at issue. The discrimination involved lies in part in the very act of subjecting the Negroes to the process of resorting to administrative remedies which are not required of white voters similarly situated. To require exhaustion of administrative remedies would make this court a party to the discrimination claimed. . . . In any event, the law itself expressly dispenses with the requirement of the exhaustion of administrative remedies. . . . And where a person 'has been illegally removed from the voters' list his remedy lies in having the illegal action rescinded, not in re-registering.' . . .

"This court has jurisdiction to issue an appropriate injunction in this case. . . .

"Judgment for plaintiff."

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Civil Rights Act — 1960

The following article, taken from the *Richmond News Leader*, April 12, 1960, presents provisions of the Civil Rights Act, 1960, "as amended by the Senate".

"TITLE I

"Provided that persons who obstructed or interfered with any order issued by a Federal court, or attempted to do so, by threats of force, could be punished by a fine of up to $1,000, imprisonment of up to one year, or both. Such acts could also be prevented by private suits seeking court injunctions against them.

"TITLE II

"Made it a Federal crime to cross State lines to avoid prosecution or punishment for, or giving evidence, in the bombing or burning of any building, facility or vehicle, or an attempt to do so. Penalties could be a fine of up to $5,000, or imprisonment of up to five years, or both.

"Made it a Federal crime to transport or possess explosives with the knowledge or intent that they would be used to blow up any vehicle or building. Allowed the presumption after any bombing occurred, that the explosives used were transported across State lines (therefore allowing the FBI to investigate any bombing case), but stipulated that this would have to be proved before the person could be convicted. Penalties could be imprisonment of up to one year and/or $1,000 fine if personal injury resulted; 10 years and/or $10,000 fine, if death resulted; life imprisonment or a death penalty if recommended by a jury.

"Made it a Federal crime to use interstate facilities, such as telephones, to threaten a bombing or give a false bomb-scare, punishable by imprisonment of up to one year or a fine of up to $1,000, or both.

"TITLE III

"Required that voting records and registration papers for all Federal elections must be preserved for 22 months. Penalties for failing to comply or for stealing, destroying or mutilating the records could be a fine of up to $1,000, imprisonment of up to one year or both.

"Directed that the records, upon written application, be turned over to the Attorney General 'or his representative' at the office of the records' custodian.

"Unless directed otherwise by a court, the Justice Department representative must not disclose the content of the records except to Congress, a government agency, or in a court proceeding.

"The Federal District Court where the records were located, or in which the demand for the records were made, could force voting officials to comply.

"TITLE IV

"Empowered the Civil Rights Commission, which was extended for two years in 1959, to administer oaths and take sworn statements.

"TITLE V

"Stated that arrangements might be made to provide for the education of children of members of the armed forces when the schools those children regularly attend had been closed to avoid integration and the U. S. Commissioner of

Education had decided that no other educational agency would provide for their schooling. Amended the laws on aid to impacted school districts to this effect.

"TITLE VI

"Provided that after the Attorney General won a civil suit brought under the 1957 Civil Rights Act to protect Negroes' right to vote, he could then ask the court to hold another adversary proceeding and make a separate finding that there was a 'pattern or practice' of depriving Negroes of the right to vote in the area involved in the suit.

"If a court found such a 'pattern or practice,' any Negro living in that area could apply to the court to issue an order declaring him qualified to vote if he proved (1) he was qualified to vote under State law; (2) he had tried to register after the 'pattern or practice' finding; and (3) he had not been allowed to register or had been found unqualified by someone acting under color of law. The court would have to hear the Negro's application within 10 days and its order would be effective for as long a period as that for which he would have been qualified to vote if registered under State law.

"State officials would be notified of the order, and they would then be bound to permit the person to vote. Disobedience would be subject to contempt of court proceedings.

"To carry out these provisions, the court may appoint one or more voting referees, who must be qualified voters in the judicial district. The referees would receive the applications, take evidence, and report their findings to the court. The referee must take the Negro's application and proof in an ex parte proceeding (without cross-examination by opponents) and the court may set the time and place for the referee's hearing.

"The court may fix a time limit of up to 10 days, in which State officials may challenge the referee's report. Challenges on points of law must be accompanied by a memorandum and, on points of fact, by a verified copy of a public record or an affidavit by those with personal knowledge of the controverting evidence. Either the court or the referee may decide the challenges in accordance with court-directed procedures. Hearings on issues of fact could be held only when the affidavits show there is a real issue of fact. The referee's report would be the deciding factor in issues of the applicant's literacy. If the objections were dismissed, either the court or the referee could issue the Negro a certificate declaring him qualified to vote.

"If a Negro has applied for a court certificate 20 or more days before the election, his application is challenged, and the case is not decided by election day, the court must allow him to vote provisionally, provided he is 'entitled to vote under State law,' and impound his ballot pending a decision on his application. If he applies within 20 days before the election, the court has the option of whether or not to let him vote.

"The court would not be limited in its powers to enforce its decree that these Negroes be allowed to vote and their votes be counted and may authorize the referee to take action to enforce it. . . .

* * * * *

Students Appeal for Human Rights

"We, the students of the six affiliated institutions forming the Atlanta University Center — Clark, Morehouse, Morris Brown, and Spelman Colleges, Atlanta University, and the Interdenominational Theological Center — have joined our hearts, minds, and bodies in the cause of gaining those rights which are inherently ours as members of the human race and as citizens of these United States.

"Among the inequalities and injustices in Atlanta and in Georgia against which we protest, the following are outstanding examples:

"(1) EDUCATION:

"In the Public School System, facilities for Negroes and whites are separate and unequal. Double sessions continue in about half of the Negro Public Schools, and many Negro children travel ten miles a day in order to reach a school that will admit them.

"On the University level, the state will pay a Negro to attend a school out of state rather than admit him to the University of Georgia, Georgia Tech, the Georgia Medical School, and other tax-supported public institutions.

"According to a recent publication, in the fiscal year 1958 a total of $31,632,057.18 was spent in the State institutions of higher education for white only. In the Negro State Colleges only $2,001,177.06 was spent.

"The publicly supported institutions of higher education are interracial now, except that they deny admission to Negro Americans.

"(2) JOBS:

"Negroes are denied employment in the majority of city, state, and federal governmental jobs, except in the most menial capacities.

"(3) HOUSING:

"While Negroes constitute 32% of the population of Atlanta, they are forced to live within 16% of the area of the city.

"Statistics also show that the bulk of the Negro population is still:

"a. locked into the more undesirable and overcrowded areas of the city;

"b. paying a proportionally higher percentage of income for rental and purchase of generally lower quality property;

"c. blocked by political and direct or indirect racial restrictions in its efforts to secure better housing.

"(4) VOTING:

"Contrary to statements made in Congress recently by several Southern Senators, we know that in many counties in Georgia and other southern states, Negro college graduates are declared unqualified to vote and are not permitted to register.

"(5) HOSPITALS:

"Compared with facilities for other people in Atlanta and Georgia, those for Negroes are unequal and totally inadequate.

"Reports show that Atlanta's 14 general hospitals and 9 related institutions provide some 4,000 beds. Except for some 430 beds at Grady Hospital, Negroes are limited to the 250 beds in three private Negro hospitals. Some of the hospitals barring Negroes were built with federal funds.

"(6) MOVIES, CONCERTS, RESTAURANTS:

"Negroes are barred from most downtown movies and segregated in the rest.

"Negroes must even sit in a segregated section of the Municipal Auditorium.

"If a Negro is hungry, his hunger must wait until he comes to a 'colored' restaurant, and even his thirst must await its quenching at a 'colored' water fountain.

"(7) LAW ENFORCEMENT:

"There are grave inequalities in the area of law enforcement. Too often, Negroes are maltreated by officers of the law. An insufficient number of Negroes is employed in the law-enforcing agencies. They are seldom, if ever, promoted. Of 830 policemen in Atlanta only 35 are Negroes.

"We have briefly mentioned only a few situations in which we are discriminated against. We have understated rather than overstated the problems. These social evils are seriously plaguing Georgia, the South, the nation, and the world.

"WE HOLD THAT:

"(1) The practice of racial segregation is not in keeping with the ideals of Democracy and Christianity.

"(2) Racial segregation is robbing not only the segregated but the segregator of his human dignity. Furthermore, the propagation of racial prejudice is unfair to the generations yet unborn.

"(3) In times of war, the Negro has fought and died for his country; yet he still has not been accorded first-class citizenship.

"(4) In spite of the fact that the Negro pays his share of taxes, he does not enjoy participation in city, county, and state government at the level where laws are enacted.

"(5) The social, economic, and political progress of Georgia is retarded by segregation and prejudices.

"(6) America is fast losing the respect of other nations by the poor example which she sets in the area of race relations.

"We, the students of the Atlanta University Center, are driven by past and present events to assert our feelings to the citizens of Atlanta and to the world.

"We, therefore, call upon all people in authority — State, County, and City officials; all leaders in civic life — ministers, teachers, and business men; and all people of good will to assert themselves and abolish these injustices. We must say in all candor that we plan to use every legal and non-violent means at our disposal to secure full citizenship rights as members of this great Democracy of ours."

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Nonviolence — More Than Riding or Eating

While the more dramatic cases of nonviolent resistance to injustice have involved desegregation of transportation and more recently eating facilities, this technique is expected to play an increasing role in voter registration and voting in the

hard core areas of the South. This has been suggested by more than one leader of the nonviolent movement. This brief outline of the nonviolent approach is intended to acquaint church leaders and others with this technique and to suggest its basic Christian nature. The material that appears below was selected by Richard B. Gregg, author of *The Power of Nonviolence,* from a forthcoming publication.

Nonviolent resistance to injustice is the best way to achieve needed social change for the following reasons:

1. It requires more action than talk. Since we are not all skillful orators but all can engage in simple action, this means that everyone affected by the injustice can take part.

2. Nonviolent resistance is simple and direct.

3. Women can take part as well as men. Indeed, women are better at it than men are. All through the ages women have practiced nonviolent resistance to domineering men, and so they are very skillful at it.

4. This form of action avoids all violence of action or thought or feeling. It therefore cuts down the possibility of violence in the whole situation.

5. It is realistic in that it accepts the inevitable presence of conflict in human affairs. It is also realistic in accepting the presence of tendencies and capacities for both good and evil in every person, every situation and every institution. Right is never all on one side and wrong all on the other.

6. It is further realistic in recognizing that both these capacities are living and therefore subject to the biological and moral law of stimulus and response as the process whereby growth takes place. The kind of response called growth occurs only after many repetitions of slight (gentle) stimuli. All living organisms or potentialities can be made to grow by many repetitions of gentle, appropriate stimuli. Many superintendents of large prisons, prison psychiatrists and prison physicians say there is at least a spark, and usually much more than a spark of decency in all criminals, even the worst and most degraded. Since there is some decency, some good, *in everyone,* it can be made to grow by many repetitions of suitable gentle stimuli, until it prevails over all the other tendencies in that person. This law of growth has operated for hundreds of millions of years, even before there were any animals or men on this earth. It is more sure and powerful than any army, any police, any government. It is a law of life that can be completely relied upon.

7. Nonviolent resistance is further realistic in that it recognizes and accepts the fact that the similarities and unities between people are stronger, wider, deeper, more enduring and more important than the differences between people, whether those differences be of race, nationality, education, culture, political or economic ideology, custom or religion.

8. Because of the recognition and acceptance of the unity of all human beings and of the presence of good and the possibility of further good, as well as of evil and the possibility of further evil in each and every person and both sides of every conflict, it becomes possible for the nonviolent resister to forgive those who may have done him harm in the past or present.

9. For these reasons the nonviolent resister is able to hope for the triumph of right and to trust the opponent despite the wrongs he may have inflicted. Henry L. Stimson, who was Secretary of State in the Cabinet of F. D. Roosevelt, wrote in a memorandum to Roosevelt in September, 1945: "The chief lesson I have learned in a long life is that the only way you can make a man trustworthy is to trust him; and the surest way to make him untrustworthy is to distrust him and show your distrust." That is to say, trust is creative.

10. Nonviolent resistance is persuasive. This is because it shows respect for the personality of the opponent; because it seeks for social and individual truth; because it is dignified; because of its humility and moral beauty; because it is dramatic.

11. It avoids the moral dangers, hatreds, fears, suspicions and resentments engendered by violence.

12. Its simplicity is a great relief. It offers a way out of frustration, discouragement, and a sense of helplessness or impotence.

13. It is a way of voting, not by pieces of paper but by action. Democracy rests upon the consent of the governed. Nonviolent resistance is a way of registering dissent or refusing consent. It is therefore a valid part of political democracy.

14. Nonviolent resistance is related to liberty because it produces those elements of character of which liberty is a by-product, namely self-respect, mutual respect, patience, tolerance, kindness, a sense of human unity.

15. It does not need governmental machinery to make it effective.

16. It invites and gains adherents who are morally sensitive and intelligent.

17. It employs and generates and communicates both verbalized meanings and meanings that cannot be verbalized — the deeper, subtler meanings that form the substance of man's subconscious moral life, his spirit and the sense of human unity.

18. After its thorough and prolonged use neither side as such is either victorious or defeated. What is defeated are the mistakes and faults and defects of both sides; what is victorious is the better nature of the people of both sides. Both sides end up with a closer approximation to social truth and spiritual perception, with more tolerance, friendliness and respect for each other.

19. It is in accordance with the commands and example of Jesus.

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THE TEST OF A DEMOCRACY IS ITS TREATMENT OF MINORITIES.

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